

His Majesties
PROCLAMATION
IN
SCOTLAND:

WITH
A N. EXPLANATION
OF THE MEANING OF
THE OATH AND
COVENANT.

By the Lord Marquesse, his Majesties
high Commisſioner.

Set forth by the KINGS ſpeciall licence.



LONDON,
Printed by *Robert Young*, His Majesties Printer
for Scotland. 1639.

Are sold at the Starre on Bread-street hill.

His Majesty's
DECLARATION

IN
WITNESS WHEREOF

WE HAVE CAUSED
TO BE SET FORTH
IN THESE WORDS
THE MEANING OF
THE SAME

IN THE PRESENCE OF HIS MAJESTY'S
COUNCIL

AT THE CITY OF
WESTMINSTER
THE 10TH DAY OF
MAY 1688

By His Majesty's Command
In Council



Charles R.



HARLES by the grace of
God, king of Scotland, England,
France, and Ireland, defender of
the faith. To our Lovits

Maissars, Heraulds, Purservants, our Sheriffes, in that
part conjunctly and severally specially constitute,
greeting. Whereas for the removing of the disor-
ders which had happened of late within this our
king-

kingdome, and for setting of a perfect peace in the church and common-wealth thereof, we were pleased to cause indict a free generall assembly to be holden at Glasgow the one and twentieth of November last: And for our subjects their better content and assurance that they should be freed of all such things as by their petitions and supplications given in to the Lords of our privie Councell, they seemed to be grieved at, We in some sort preveened the assembly, by discharging by our proclamation the service book, book of canons, and high commission, freed and liberate our subjects from the practising of the five articles, eximied all ministers at their entry from giving any other oath then that which is contained in the act of parliament, made all persons both ecclesiasticall and civill lyable to the censure of Parliament, generall Assembly, or any other judicatorie competent, according to the nature of their offence: had declared all by-gone disorders absolutely forgotten and forgiven: and last, for securing to all posteritie the truth and liberty of religion, did command the confession of faith, and band for maintenance thereof, and of authoritie in defence of the same, subscribed by our deare Father, and his household, *in anno 1580.* to be renewed and subscribed again by our subjects here: And albeit that this our gracious and pious command, in stead of obedience and submission, rancountred open and publick opposition, and protestation against the same: And that they continued their daily and hourelly guarding and watching our Castle of Edinburgh, suffering nothing to be imported therein, but at their discretion, stopping

ping and impeding any importation of ammunition, or other necessities whatsoever to any of our houses within this kingdom: Denying to us their soveraigne Lord that libertie and freedome, which the meanest of them assume to themselves (an act without precedent or example in the christian world) Like as they spared not boldly and openly to continue their conventions and councill tables of Nobilitie, Gentrie, Ministers and Burgeses within the city of Edinburgh, where not regarding the lawes of the kingdom, without warrant of authority, they convened, assembled, and treated upon matters, as well ecclesiasticall as civill, sent their injunctions and directions throughout the countrey to their subordinate tables, and other under ministers appointed by them for that effect. And under colour and pretext of religion, exercising an unwarranted libertie, required obedience to their unlawfull and illegall directions, to the seen prejudice of authority, and lawfull monarchicall government. And notwithstanding 'it was evidently manifest by the illegall and unformall course taken in the election of the commissioners for the assembly, whereof some of them were under the censure of this church, some under the censure of the church of Ireland, some long since banished for open and avowed teaching against monarchy, others of them suspended, and some admitted to the ministry contrary to the form prescribed by the lawes of this kingdom, others of them rebels, and at the home, some of them confined, and all of them by oath and subscription bound to the overthrow of episcopall government. And by

(4)
this and other their under-hand working, and private informations and perswasions, have given just ground of suspicion of their partialitie, and so made themselves unfit judges of what concerneth episcopacie. And als albeie it was sufficiently cleared by the peremptory and illegall procedures of the presbyteries, who at their own hand by order of law, and without due forme of proceffe, thrust our moderators lawfully established; and placed others, whom they found most inclinable to their turbulent humors, associate to themselves for choosing of the commissioners to the assembly, a laick elder out of each parish, who being in most places equal, if not more in number then the ministerie, made choice both of the ministers, who should be commissioners from the presbyteries, as also of a laick elder, (which in time will prove to be of a dangerous consequence, and import a heauey burden to the libertie of church and church men) being more directed therein by the warrants of the foresaid pretended tables; then by their own judgements, as appeared by the severall instructions sent from them (far contrary to the lawes of this country, and lowable custome of this church) some whereof were produced and exhibit by our Commissioner, and publickly read: One whereof, direct to the Noblemen and Barons of each presbyterie, doth among many other odde passages, require diligence, lest (say they) by our own sillinesse and treacherie we lose so faire an occasion of our liberty both christian and civill; a strange phraze to proceed from dutifull or loyall hearted subjects. The other to the moderators of the severall presbyteries, under the

the title of PRIVATE INSTRUCTIONS, AUGUST 27. first, containeth that these private instructions shall be discovered to none, but to brethren well affected to the cause: secondly, order must be taken, that none be chosen ruling elders but covenanters, and these well affected to the businesse: thirdly, that where the minister is not well affected, the ruling elder be chosen by the commissioners of the shire, and spoken to particularly for that effect: fourthly, that they be carefull that no chappelman, chaptermen, or a minister justice of peace, be chosen, although covenanters, except they have publicly renounced, or declared the unlawfulnessse of their places: fifthly, that the ruling elders come from every church, in equall number with the ministers; and if the minister oppose, to put themselves in possession, notwithstanding of any opposition: sixthly, that the commissioner of the shire cause convene before him the ruling elder of every kirk chosen before the day of the election, and enjoyn them upon their oath, that they give vote to none but to those who are named already at the meeting at Edinburgh: seventhly, that where there is a nobleman in the bounds of the presbytery, he be chosen; and where there is none, there be chosen a baron, or one of the best quality, and he onely a covenanter: eighthly, that the ablest man in every presbytery be provided to dispute *de potestate supremi magistratus in Ecclesiasticis, praesertim in convocandis conciliis, &c.* Whereby it is most evident what prelimitations, indirect and partiall courses, and dangerous propositions have been used in the preparations and elections to this pretended assembly. By which
 it is to be observed manifestly that the same is unlawfull

unlawfull doings, although we had sufficient reason to have discharged the meeting of the said assembly, yet we were pleased patiently to attend the same, still hoping that when they were met together by the presence of our Commissioner, and assistance of some well affected subjects, who were to be there, and by their own seeing the reall performance of what was promised by our proclamation, they should have been induced to return to the due obedience of subjects. But when we perceived that their turbulent dispositions did increase, as was manifest by their repairing to the said pretended assembly with great troupes and bands of men, all boddin in fear of war, with guns, and pistolets, contrary to the lawes of this kingdome, and in high contempt of our proclamation at Edinburgh the 16. day of November last: And also by the peremptory refusing to the assessors, authorized by us (although fewer in number then our dearest Father was in use to have) the power of voting in this assembly, as formerly they had done in all others, openly averring that we, nor our Commissioner, had no further power there then the meanest commissioner of their number: and by their partiall and unjust refusing, and not suffering to be read the reasons and arguments given in by the bishops, and their adherents to our Commissioner, why they ought not to proceed to the election of a moderator, neither yet to the trying and admitting of the commissioners, before they were heard, though in our name they were earnestly required thereto by our Commissioner: and notwithstanding that our Commissioner by warrant from us gave in under his hand a sufficient declaration of all that

that was contained in our late proclamation, bearing likewayes our pleasure of the registration of the same in the books of assembly, for all assurance of the truth and purity of religion to all our good subjects, as doth clearly appeare by the declaration it self; whereof the tenor follows. The Kings Majesty being informed that many of his good subjects have apprehended that by the introducing of the service book, and book of canons, the inbringing of superstition hath been intended, hath been graciously pleased to discharge, like as by these he doth discharge the service book, and book of canons, and the practice of them, and either of them, and annuls and rescinds all acts of counsell, proclamations, and other acts and deeds whatsoever, that have been made or published for establishing them, or either of them, and declares the same to be null, & to have no force nor effect in time coming. The Kings Majesty, as he conceived, for the ease and benefit of the subject, established the high commission, that thereby justice might be administered, and the faults and errors of such persons as are made lyable thereto, taken order with, and punished with the more conveniencie, and lesse trouble to the people. But finding his gracious intention therein to be mistaken, hath been pleased to discharge, like as by these he doth discharge the same, and all acts and deeds whatsoever made for establishing thereof. And the kings Majesty being informed, that the urging of the five articles of Pearth assembly hath bred distraction in the church and estate, hath been graciously pleased to take the same into his royall
 b consideration,

consideration, and for the quiet and peace of this cuntry, hath not only dispensed with the practise of the saids articles, but also discharged all and whatsoever persons from urging the practise thereof, upon either laick or ecclesiasticall person whatsoever, and hath freed all his subjects from all censure and pains, whether ecclesiasticall or secular, for not urging, practising, or obeying them, or any of them, notwithstanding of any thing contained in the acts of parliament, or generall assembly in the contrary. And his Majesty is further contented, that the assembly take the same so farre to their consideration, as to represent it to the next parliament, there to be ratified as the estates shall finde fitting. And because it hath been pretended that oaths have been administrate different from that which is set down in the acts of parliament, his Majesty is pleased to declare by me, that no other oath shall be required of any minister at his entry, nor that which is set down in the act of parliament. And that it may appear how carefull his Majesty is that no corruption nor innovation shall creep into this church, neither yet any scandall, vice, or fault of any person whatsoever, censurable or punishable by the assembly, go along unpunished, his Majesty is content to declare by me, and assure all his good people, that generall assemblies shall be kept so oft, and als oft as the affaires of this church shall require. And that none of his good subjects may have cause of grievances against the proceedings of the prelates, his Majesty is content that all and every one of the present bishops, and their successors, shall be answerable, and accordingly

ingly from time to time censurable, according to their merits by the generall assembly. And to give all his Majesties good people full assurance, that he never intended to admit any alteration or change in the true religion profest within this kingdome, and that they may bee truely and fully satisfied of the reality of his intentions and integrity of the same, his Majesty hath been pleased to require and command all his good subjects to subscribe the confession of faith, and band for maintenance thereof, and of his Majesties person and authority, formerly signed by his dear father, *in anno* 1580. and now also requireth all these of this present assembly to subscribe the same. And it is his Majesties will, that this be insert and registrate in the books of assembly, as a testimony to posterity, not only of the sincerity of his intentions to the said true religion, but also of his resolutions to maintain and defend the same, and his subjects in the profession thereof.

Which declaration was by our speciall command and direction given in, and subscribed by our Commissioner, upon protestation made by him that his assenting to the registration hereof, should be no approbation of the lawfulnessse of this assembly, nor of any of the acts or deeds done, or to be done therein. And finding them in like sort no wayes to be satisfied therewith, & that nothing else was able to give them contentment, except at their own pleasure they were permitted to overthrow all episcopall government in the church, and thereby to abrogate our publike lawes, standing in vigour by the space of many years
 b 2 by-gone,

by-gone, and to alter the fundamentall government of this kingdome, in taking away one of the three estates, contrary to expresse acts of Parliament. And lest the continuance of their meetings might have produced other the like dangerous acts so derogatorie to royall authority, we were forced for preventing thereof, and for the reasons and causes above-mentioned, and divers others importing true monarchicall government, to dissolve and break up the said pretended assembly, and to discharge them of all farther meeting, treating and concluding any thing therein: And yet in that calme and peaceable way, as our Commissioner before his removing desired their pretended moderator for that time to have said prayer, and so concluded that daies session, that so they might have had time to think upon the just reasons of his refusing to assist, or be any longer present at the said pretended assembly, and of the causes moving us to the dissolving thereof: and notwithstanding his earnest urging the same, and being willing to return the next morning to hear their answer; in place of all other satisfaction to his so reasonable and moderate desires, it was refused and met with a protestation of an high and extraordinary straine, thereby presuming to cite and call our councill in question, for their dutifull assistance and obedience to us and our Commissioner. And finding their disobedience thus to increase, we were constrained to discharge them of new again the next day thereafter by publike proclamation, under the pain of treason. And albeit that their contumacie is such as hath not
been

been heard of in former times, yet they shall never move us to alter the least point or article of that wee have already declared by proclamation, or declaration under our Commissioners hand: All which was publickly read, and by our Commissioner required to be insert and registrate in the books of assembly, therein to remain as a testimony to posterity, not only of the sincerity of our intentions to the true religion, but also of our resolution to maintain and defend the same, and our subjects in the profession thereof: And perceiving likewayes that in contempt of our proclamation at Glasgow the 29. of November, they go still on to convene, meet, and to make illegall and unwarrantable acts, we have conceived it fitting to forewarn all our good subjects of the danger that they may incur by being insnared by these their unlawfull procedures. And to this purpose do not only liberate and free them from all obedience to any of the pretended acts, made, or to be made at the said pretended assembly, or committees direct therefrom, but do also free them from all pain and censure which the said pretended assembly shall inflict upon them, or any of them. And therefore do discharge and prohibit all our subjects, that they nor none of them acknowledge nor give obedience to any pretended acts nor constitutions made or to be made at the said pretended meetings, under all highest pains. And we command, charge, and inhibit all presbyteries, sessions of kirks, ministers within this realme, that none of them presume nor take upon hand privately nor publickly in their ses-

sions and meetings, nor in their conferences, sermons, nor no other manner of way, to authorise, approve, justifie, or allow the said unlawfull meeting, or assembly at Glasgow: neither yet to make any act thereupon, nor to do any other thing private or publike, which may seem to countenance the said unlawfull assembly, under the pain to be repute, holden and esteemed and pursued as guilty of their unlawfull meeting, and to be punished therefore with all rigour: And siclike wee command all and sundry Noblmen, Barons, Gentlemen, Magistrates, and all other our lieges who shall happen to be present and hear any ministers either in publike or private conferences and speeches, or in their sermons, to approve and allow the said unlawfull assembly, rail and utter any speeches against our royall commandments or proceedings of us, or our Councell, for punishing or suppressing such enormities, that they make relation and report thereof to our Councell, and furnish probation, to the effect the same may be accordingly punished, as they will answer to us thereupon: Certifying them who shall hear and conceal the said speeches, that they shall be esteemed as allowers of the same, and shall accordingly be taken order with, and punished therefore without favour. And to this effect we likewise straitly charge and command all Judges whatsoever within this realme, Clerks and Writers, not to grant or passe any bill, summons, or letters, or any other execution whatsoever, upon any act or deed proceeding from the said pretended assembly, and all keepers of the signet from signetting thereof, and that
under

under all highest pains. And because we gave order and warrant to our Commissioner to make open declaration, not only of our sense, but even of the true meaning of the confession of faith, *in anno 1580.* by which it may clearly appear, that as we never intended thereby to exclude episcopacie, so by no right construction can it be otherways interpreted, as is more nor evident by the reasons contained in the said declaration, and many more, which for brevity (the thing in it self being so clear) are omitted. Herefore we do not only prohibit and discharge all our subjects from subscribing any band, or giving any writ, subscription, or oath to, or upon any act, or deed that proceeds from the foresaid pretended assembly, but also doe require them not to subscribe, nor swear the said confession in no other sense then that which is contained in the said declaration, and manifestly emitted by our Commissioner, under all highest paines. And that none of our good subjects, who in their duty and bound obedience to us, shall refuse to acknowledge the said pretended assembly, or any of the pretended acts, constitutions, warrants, or directions proceeding therefrom, may have just ground of fear of danger or harm by doing thereof, we do by these promise, and upon the word of a King oblige our selves by all the royall authority and power wherewith God hath endowed us, to protect and defend them, and every one of them in their persons, fortunes, and goods, against all and whatsoever person or persons who shall dare or presume to call in question, trouble, or any wayes molest them, or any of them therefore.

therefore. And our will is, and we charge you straitly and command, that incontinent these our letters seen, you passe, and make publication hereof by open proclamation at the market crosse of Edinburgh, and other places needfull, where through none pretend ignorance of the same.

Given from our Court at Whitehall the eighth day of December, and of our Reigne the fourteenth year, 1638.

Per Regem.

AN
EXPLANATION
OF THE MEANING
OF THE OATH AND
COVENANT.

PUBLISHED
BY THE L. MARQUES,
his Majesties High Commissioner
in SCOTLAND,

By the KING's speciall command.



LONDON,
Printed by His Majesties Printer for Scotland,
Anno Dom. 1639.

AN
EXPLANATION
OF THE MEANING
OF THE OATH AND
COVENANT



LONDON,
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in the Strand, 1792.



Hereas some have given out, that by the Act of Councell, which explaineth the Confession of Faith lately commanded to be sworne by his Majesty, to be understood of the Confession of faith, as it was then professed and received, when it was made, and that in that Confession, defence both of the doctrine & discipline then established is sworn, at which time episcopall government being (as they say) abolished, it must needs follow, that the same government is by this late oath abjured.

And understanding that even amongst those who continue together still at Glasgow, under the name of a generall Assembly, though but a pretended and unlawfull one, this objection is held to be of some moment, and used by them to the great disturbance of the peace of this church and kingdom, and to the great disquieting of the mindes of such his Majesties good subjects as have taken the said oath, and yet never meaned nor do mean to abjure episcopall government; And to perswade others, that if they shall take the same oath thus explained by the said Act of Councell, by so doing they must likewise abjure the said government:

We *James* Marquesse of Hamiltoun, his Majesties high Commissioner, wondring that any such scrupulous misconstruction should be made of his Majesties gracious and pious intentions, and being desirous to remove all doubts from the minds of his Majesties good subjects, and to keep them from being poy-

forced by such as by forced and forged inferences would make them beleieve, that they had actually by taking that oath sworn that which neither virtually nor verely they have sworn, or ever intended to swear, or was required by authority to be sworn by them, either directly or indirectly: Considering that all oathes must be taken according to the minde, intention, and commandement of that authority, which exacteth the oath; and that we by speciall commandement from his sacred Maiestie, commanded the said oath to be administered, we do hereby freely and ingenuously professe and declare our mind and meaning herein, as we have constantly heretofore done since our coming into this kingdome about this employment; *viz.* That by any such words or act of counsell we never meanted or intended that episcopall government should be abiured, nor any thing else which was established by acts of parliament, or acts of the church of this kingdome, which are now in force, and were so at the time of the taking of the said oath.

Nor indeed could we have any other intention or meaning, being clearly warranted and expressely commanded by his Maiesties instructions, to exact the said oath, and take order that it should be sworn throughout the kingdome in that faire and lawfull sense, and none other. Neither in this point did we deliver our own words, or his Maiesties minde ambiguously or doubtfully, so as any other sense, to our thinking, could be picked or wrung out of either the one or the other; for we do attest the Lords of the Councell, whether we did not to many, or all of them upon severall occasions in conference with them ever since

our coming into this kingdom, constantly declare unto them, that his Maiesties resolution was not to suffer episcopall government to be abolished: We attest all the Lords of Session, whether before our tendering of that oath to them, or their Lordships taking of it, we did not fully and freely declare to them, that his Maiesties minde in commanding tis to see this oath taken, and our own minde in requiring them to take it, was onely to settle and secure the religion and faith professed in this kingdom, but was not to be extended to the abiuring of episcopall government, or any other thing now in force by the laws of this church and state at the time of administering this oath, which their Lordships, being the reverend and learned Judges of the lawes, knew well could not be abiured; after which perspicuous predeclaration of our minde, their Lordships undoubtedly in that same sense and none other took the said oath.

And now good Reader, having heard his Maiesties minde and intention, and in pursuance of them, the mind of his Maiesties high Commissioner concerning this oath, though reasons to repell the former objection seem to be needlesse (the known minde of the supreme Magistrate who urgeth an oath, being to be taken for the undoubted sense of it, yet forasmuch as that objection hath of late bin mainly urged for alienating the mindes of many of his Maiesties good subiects, and well affected to that government, from adhering unto it, be pleased to know, that the former objection hath neither show nor force of reason in it, and that by the said oath and that explanation set down in the act of councell, episcopall government neither was nor possibly could be abiured, and that for many rea-

sons, but especially these five, which we having seen and approved, have caused to be here inserted, and leave them to thine impartiall consideration.

I.

First, God forbid it should be imagined that his Majesty should command his subjects to take an oath which in it self is absolutely unlawfull: But for a man to swear against a thing which is established by the laws of the church and kingdome in which he liveth (unlesse that thing be repugnant to the law of God) is absolutely unlawfull, untill such time as that kingdome and church do first repeal these laws: And therefore episcopall government not being repugnant to the law of God, nay being consonant unto it, as being of apostolicall institution (which shall be demonstrated if any man please to argue it) and standing fully established, both by acts of parliament, and acts of generall assembly at the time when this oath was administred; to abjure it before these acts be repealed, is absolutely unlawfull, and against the word of God: and it is to be hoped no man will conceive that his Majestie meant to command a thing absolutely unlawfull. And if it should be said, as it is said by some, (who not being able to avoid the force of reason, do betake themselves to pitifull shifts and evasions) that these acts of parliament and assembly establishing episcopall government, were unlawfully and unduely obtained: certainly if they have any reasons for this their bold assertion, which is of a more dangerous consequence then that it ought to be endured in any well settled church or commonwealth; these reasons may be presented lawfully to these judicatories to entreat them to reduce the saids acts, if there shall be strength and validity found in them.

them. But to hold, that untill such time as these judicatories shall repeal the saids laws, they either ought to be, or can possibly be abjured, is a wicked position, and destructive of the very foundation of justice both in church and common-wealth.

Secondly, it cannot be imagined that this oath should oblige the now takers of it farther then it did oblige the takers of it at first: for doctrine and points of faith it did oblige them then, and so doth it us now, perpetually, because these points in themselves are perpetuall, immutable and eternall: But for points of discipline and government, and policie of the Church, that oath could binde the first takers of it no longer then that discipline and government should stand in force by the laws of this Church and Kingdome, which our Church in her positive confession of faith printed amongst the acts of Parliament, artic. 20. 21. declareth to be alterable at the will of the Church it self, and so repealable by succeeding acts, if the Church shall see cause. When a king at his coronation taketh an oath to rule according to the laws of his kingdome, or a judge at his admission sweareth to give judgement according to these laws, the meaning of their oaths cannot be that they shall rule or judge according to them longer then they continue to be laws: But if any of them shall come afterwards to be lawfully repealed, both king and judge are free from ruling and judging according to such of them as are thus lawfully repealed, notwithstanding their originall oath. Since therefore if the first takers of that oath were now alive, they could not be said to have abjured episcopall government, which hath been since established by the lawes of this church and kingdome, especially

especially considering that this church in her confession holdeth church government to be alterable at the will of the church: certainly we repeating but their oath, cannot be said to abiure that government now; more then they could be said to do it if they were now alive and repeating the same oath.

3. Thirdly, how can it be thought that the very act of his Maiesties commanding this oath should make episcopall government to be abiured by it, more then the covenanters requiring it of their associates, in both covenants the words and syllables of the confession of faith being the same: Now it is wel known that many were brought in to subscribe their covenant, by the solemn protestations of the contrivers & urgers of it, that they might subscribe it without abiuring of episcopacie, and other such things as were established by law, since the time that this oath was first invented and made; and the three Ministers in their first answers to the Aberdene Quares have fully and clearly expressed themselves to that sense, holding these things for the present not to be abiured, but only referred to the trial of a free generall Assembly: and likewise the adherers to the last protestation against his Maiesties proclamation, bearing date the 9. of September, in their ninth reason against the subscription urged by his Maiesty, do plainly averre, that this oath urged by his Maiesty doth oblige the takers of it, to *maintain Pesh articles, and to maintain episcopacy*. Why therefore some men swearing the same words & syllables should have their words taken to another sense, & be thought to abiure episcopall government, more then others who have taken the same oath in the same words, must needs passe the capacity of an ordinary understanding.

Fourthly,

Fourthly, it is a received maxime, and it cannot be denied, but that oaths ministred unto us must either be refused, or else taken according to the known mind, professed intention, and expresse command of authority urging the same: A proposition, not onely received in all schools, but positively set down by the adherers to the said protestation *totidem verbis* in the place above cited. But it is notoriously known even unto those who subscribed the confession of faith by his Majesties commandment, that his Majestic not only in his kingdomes of England and Ireland, is a maintainer and upholder of episcopall government according to the laws of the said Churches and Kingdomes, but that likewise he is a defender, and intends to continue a defender of the same government in his kingdome of Scotland, both before the time, and at the time when he urged this oath, as is evident by that which is in my Lord Commissioner his preface, both concerning his Majesties instructions to his Grace, and his Graces expressing his Majesties mind, both to the Lords of Councell, and to the Lords of Session; and the same likewise is plainly expressed and acknowledged by the adherers to the said protestation in the place above cited: their words being these; *And it is most manifest that his Majesties mind, intention, and commandment, is no other but that the confession be sworn, for the maintenance of religion as it is already or presently professed (these two being co-incident altogether one and the same, not only in our common form of speaking, but in all his Majesties proclamations) and thus as it includeth, and continueth within the compasse thereof, the foresaids novations and episcopacie, which under that name were also ratified, in the first parliament holden by his Majesty.*

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From whence it is plaine, that episcopacie not being taken away or suspended by any of his Majesties declarations, as these other things were which they call novations, it must needs both in deed, and in the judgment of the said protesters no waies be intended by his Majestie to be abjured by the said oath. Now both the *major* and that part of the *minor* which concerneth episcopall government in the Church of Scotland, being cleerly acknowledged by the protesters, and the other part of the *minor* concerning that government in his other two kingdomes being notoriously known, not only to them, but to all others who know his Majesty, how it can be imagined that his Majesty by that oath should command episcopacy to be abjured, or how any one to whom his Majesties mind concerning episcopall government was known, could honestly or safely abjure it, let it be left to the whole world to judge, especially considering that the protesters themselves in that place above cited, by a *dilemma*, which we leave to themselves to answer, have averred, that when that act of councill should come out, yet that it could not be inferred from thence that any such thing was abjured.

5.

Fifthly and lastly, if the explanation in that act of councill be taken in that not only rigid but unreasonable and senselesse sense which they urge, yet they can never make it appear, that episcopall government at the first time of the administering of that oath was abolished: The very words of that confession of faith, immediately after the beginning of it, being these, *Received, beleaved, defended by many and sundry notable kirks and Realms, but chiefly by the kirk of Scotland, the Kings Majestie and three Estates of this realme, as*

Gods

Gods eternall truth & only ground of our salvation, &c.
 By which it is evident, that the subscription to this confession of faith is to be urged in no other sense then as it was then beleeved and received by the Kings Majestie, and the three Estates of this realme at that time in being; and it is well known, that at that time Bishops, Abbots and Priors made up a third estate of this realm, which gave approbation to this confession of faith: and therefore it is not to be conceived, that this third estate did then abjure episcopacie, or that episcopacie was at the first swearing of that confession abolished. But say that at that time it was abolished by acts of generall Assembly, yet was it not so by any act of Parliament, nay by many acts of Parliament it was in force, because none of them was repealed; some whereof are annexed in the sheet immediately after these reasons, which we pray the reader carefully to peruse and ponder: and at the very time of the taking of this oath and after, bishops, whose names are well known, were in being. Now it is to be hoped that in a Monarchy or any other well constituted republick, that damnable Jesuiticall position shall never take place, That what is once enacted by a Monarch & his three estates in Parliament, shall ever be held repealed or repealable by any ecclesiasticall nationall Synod.

By all which it is evident, that the explanation of that act of councill so groundlesly urged, can induce no man to imagine that by the confession of faith lately sworn by his Majesties commandment, episcopall government, which then did, and yet doth stand established by acts of this Church and Kingdome, either was, or possibly could be abjured.

And having now (good Reader) heard his Majesties

minde in his instructions to us, our minde in requiring in his Majesties name this oath to be taken, and these few reasons of many which do evidently evince the in consequence of that sense which without any show of inference is put upon it by those, who would go on in making men still beleve, that all which they do or say is grounded upon authority, though they themselves do well know the contrary; we suppose that all they who have taken this oath will rest satisfied that they have not abjured episcopal government, and that they who shall take it, will take it in no other sense.

Which timely warning of ours, we are the more willing to give, because we are given to understand, that even they who were wont to call the takers of this oath (notwithstanding of that explanation by act of councell) perjured and damned persons, and in their pulpits called the urging of it the depth of Sathan, do now mean to take it themselves, and urge others to take it in that sense which they make men beleve (though wrongfully) that act of councell makes advantageous to their ends.

But we do in his Majesties name require that none presume to take the said oath, unless they be required so to do by such as shall have lawfull authority from his Majestie to administer it unto them: being confident, that none either will or can take the said oath or any other oath in any sense, which may not consist with episcopall government, having his Majesties sense, and so the sense of all lawfull authority fully explained to them.

H A M M I L T O N .



Hat episcopall jurisdiction was in force by acts of parliament, and no wayes abolished nor suppressed in the year 1580. nor at the time of reformation of religion within the realm of Scotland, doth evidently appeare by the acts of parliament after mentioned.

First by the parliament 1567. cap. 2. whereby at the time of reformation the Popes authority was abolished, it is enacted by the said act, *That no bishop, nor other prelate in this realm, use any jurisdiction in time coming by the bishop of Romes authority.* And by the third act of the same parliament, whereby it is declared, *That all acts not agreeing with Gods word, and contrary to the confession of faith approved by the estates in that parliament, to have no effect nor strength in time to come.* Whereby it is evident, that it was not the reformers intention to suppress episcopacie, but that bishops should not use any jurisdiction by the bishop of Rome his authority; and seeing they did allow episcopacie to continue in the church, that they did not esteeme the same contrary to Gods word and confession foresaid: as appeares more clearly by the sixth act of the said parliament, which is

ratified in the parliament 1579. cap. 68. whereby it is declared, *That the ministers of the blessed Evangel of Jesus Christ, whom God of his mercie hath now raised up amongst us, or hereafter shall raise, agreeing with them that now live in doctrine or administration of the sacraments, and the people of this realme that professe Christ as he is now offered in his Evangel, and do communicate with the holy sacraments, as in the reformed kirk of this realme they are publickly administrate, according to the confession of the faith, to be the only true and holy kirk of Jesus Christ within this realme; without any exception by reason of policy and discipline, declaring only such as either gain-say the word of the Evangel according to the heads of the said confession, or refuse the participation of the holy sacraments as they are now ministrated, to be no members of the said kirk so long as they keep themselves so divided from the society of Christs body. Whereby it is manifest, that it was not the said reformers minde to exclude any from that society by reason of discipline, and that they did not at that time innovate or change any thing in that policy they found in the said kirk before the reformation.*

This is likewise evident by the oath to be ministered to the king at his coronation, by the eighth act of the said parliament, wherby he is to swear to *maintain the true religion of Jesus Christ, the preaching of his holy word, and due and right ministrations of the sacraments now received and preached within this realm, and shall abolish and gain-stand all false religion contrary to the same; without swearing to any innovation of policie and discipline of the kirk.*

Secondly,

Secondly, it doth evidently appear by these subsequent acts of parliament, that by the municipall law of this realm archbishops and bishops was not only allowed in the kirk, but also had jurisdiction and authority to govern the same.

First, by the 24. act of the said parliament, whereby all civill priviledges granted by our sovereigne Lords predecessors to the spirituall estate of this realm, are ratified in all points after the form and tenor thereof. And by the 35. act of the parliament 1571. whereby all and whatsoever acts and statutes made of before by our sovereigne Lord and his predecessors anent the freedome and liberty of the true kirk of God, are ratified and approved.

By the 46. act of the parliament 1572. whereby it is declared, that Archbishops and bishops have the authority, and are ordained to convene and deprive all inferiour persons being ministers, who shall not subscribe the articles of religion, and give their oath for acknowledging and recognoscing of our sovereigne Lord and his authority, & bring a testimoniall in writing thereupon within a moneth after their admission.

By the 48. act of the same parliament, whereby it is declared, that archbishops and bishops have authority at their visitations to deligne ministers gleibers.

By the 54. act of the said parliament, whereby archbishops and bishops are authorized to nominate and appoint at their visitations, persons in every parochin for making and setting of the taxation, for upholding and repairing of kirk and kirk-yards, and to convene, try, and censure all persons that shall be found to have applied to

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to their own use the stones, timber, or any thing else pertaining to kirks demolished.

5. By the 55. act of the parliament 1573. whereby archbishops and bishops are authorized to admonish persons married, in case of desertion, to adhere, and in case of disobedience, *to direct charges to the minister of the parochin to proceed to the sentence of excommunication.*
6. By the 63. act of the parliament 1578. whereby bishops, & where no bishops are provided, the Commissioner of diocesses, have authority to try the rents of hospitals, and call for the foundations thereof.
7. By the 69. act of the parliament 1579. whereby the jurisdiction of the kirk is declared *to stand in preaching the word of Jesus Christ, correction of manners, and administration of the holy sacraments;* and yet no other authority nor office-bearer allowed and appointed by act of parliament, nor is allowed by the former acts; but archbishops and bishops intended to continue in their authority, as is clear by these acts following.
1. First, by the 71. act of the same parliament, whereby persons returning from their travels are ordained, *within the space of twenty dayes after their return, to passe to the bishop, superintendent, commissioner of the kirks where they arrive and reside, and there offer to make and give a confession of their faith, or then within fourtie daies to remove themselves forth of the realme.*
2. By the 99. act of the parliament 1581. whereby the foresaids acts are ratified and approved.
3. By the 130. act of the parliament 1584. whereby
it

It is ordained, that none of his Maiesties lieges and subiects presume or take upon hand to impugne the dignity and authoritie of the three estates of this kingdom, whereby the honour and authority of the kings Maiesties supreme court of parliament, past all memorie of man, hath been continued, or so seek or procure the innovation or diminution of the power and authoritie of the same three estates, or any of them in time coming under the pain of treason.

By the 131. act of the same parliament, whereby all iudgments and iurisdiccions as well in spirituall as temporall causes, in practice and custome during these twenty four years by past not approved by his highnesse and three estates in parliament, are discharged: and whereby it is defended, That none of his highnesse subiects of whatsoever qualitie, estate, or function they be of, spirituall or temporall presume, or take upon hand to convocate, convene, or assemble themselves together for holding of counceils, conventions, or assemblies, to treat, consult, or determinate in any matter of estate, civill or ecclesiasticall (except in the ordinary iudgements) without his Maiesties speciall commandement, or expresse licence had and obtained to that effect.

By the 132. act of the said parliament, authorizing bishops to try and iudge ministers guilty of crimes meriting deprivation.

By the 133. act of the same parliament, ordaining Ministers exercising any office beside their calling to be tried and adiudged culpable by their ordinaries.

By the 23. act of the parliament 1587. whereby all acts made by his highnesse, or his most noble progenitors

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genitors ancient the kirk of God, and religion presently
professed, are ratified.

8. By the 231. act of the parliament 1597. bearing,
That our soveraigne Lord and his highnesse estates in
parliament, having spectall consideration of the great
priviledges and immunities granted by his highnesse
predecessors to the holy kirk within this realme, and to
the spectall persons exercing the offices, titles, and dig-
nities of the prelates within the same: Which persons
have ever represented one of the estates of this realm in
all conventions of the saids estates; and that the saids
priviledges and freedoms have been from time to time
retained and conserved in the same integritie wherein
they were at any time before, so that his Maiestie ac-
knowledging the same to be fallen now under his Ma-
iesties most favourable protection, therefore his Maiesty
with consent of the estates declares, that the kirk within
this realme, wherein the true religion is professed, is the
true and holy kirk: And that such ministers as his Ma-
iestie at any time shall please to provide to the office,
place, title, and dignitie of a bishop, &c. shall have vote
in parliament, sicklike and als freely as any other
ecclesiasticall prelate had at any time by-gone. And al-
so declares, that all bishopricks vaicking, or that shall
vaick, shall be only disposed to actuall preachers and
ministers in the kirk, or such as shall take upon them to
exerce the said function.

9. By the second act of the parliament 1606. whereby
the ancient and fundamentall policie, consisting in the
maintenance of the three estates of parliament, being of
late greatly impaired and almost subverted, especially
by the indirect abolishing of the estate of bishops by the

act of annexation: *Albeit it was never meant by his Maieſtie, nor by his eſtates, that the ſaid eſtate of biſhops, being a neceſſary eſtate of the parliament, ſhould any wayes be ſuppreſſed; yet by diſmembriſing and abſtractiſing from them of their livings being brought in conſtemp and poverty, the ſaid eſtate of biſhops is reſtored, and redintegrate to their ancient and accuſtomed honour, dignities, prerogatives, priviledges, lands, ſeindes, rents, as the ſame was in the reformed kirk, moſt amply and free at any time before the act of annexation; reſcinding and annulling all acts of parliament made in preiudice of the ſaids biſhops in the premiſſes, or any of them, wiſh all that hath followed, or may follow thereupon, to the effect they may peaceably enioy the honours, dignities, priviledges, and prerogatives competent to them or their eſtate ſince the reformation of religion.*

By the 6. act of the 20. parliament, declaring that
 10. archbiſhops and biſhops are redintegrate to their former authority, dignity, prerogative, priviledges and iuriſdictions lawfully pertaining and ſhall be known to pertain to them, &c.

By the 1. act of the parliament 1617. ordaining
 11. archbiſhops and biſhops to be elected by their Chapters, and no other wayes, and conſecrate by the rites and order accuſtomed.

FINIS.

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By the effect of the 1800. parliament, declining the
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By the 1. ad of the parliament 1817, ordaining archbishops and bishops to be elected by their Chapters, and no other way, and constitute by their votes and other authorities.

